

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Charles William Johnson, Sr. and Patricia
Gosney Johnson, Sr

Debtors

C/A No. 19-01935-dd

CHAPTER 7

**SETTLEMENT ORDER
ON MOTION FOR RELIEF FROM
AUTOMATIC STAY**

This matter comes before the Court on the motion for relief from the automatic stay filed by Carrington Mortgage Services, LLC ("Movant"). Movant has waived any claim arising under 11 U.S.C. § 503(b) or § 507(b) and, in the event relief from the automatic stay is granted due to Debtor's default under the terms of this settlement order, agreed that any funds realized from the disposition of its collateral in excess of all liens, costs, and expenses will be paid to the trustee or bankruptcy estate. The Chapter 7 Trustee did not object to the motion or has agreed to the settlement. The property serving as collateral which is the subject of the motion is described as follows:

204 Old Hickory Dr
Conway, SC 29526

As of March 9, 2020, Debtors have accrued a post petition arrearage in the amount of \$953.65. The post petition arrearage consists of:

- ☒ Payment for the month of March 1, 2020 in the amount of \$953.65 per month.
- ☐ Late charges in the amount of \$_____.
- ☐ Attorney's fees and costs in the amount of \$_____.
- ☐ Other costs in the amount of _____ as described: _____.

Upon Movant's certification of the agreement of the parties, it is hereby ORDERED:

Debtors shall continue to remit to Movant the regular post petition monthly payments beginning April 1, 2020 and continuing thereafter in accordance with the terms of the loan agreement.

In addition to the regular post petition monthly payments set forth above, Debtors shall cure the post petition arrearage of \$953.65 as follows:

- ☐ Pay \$ _____ by _____.
- ☒ Pay initial payment of \$953.65 by March 20, 2020.
- ☐ Pay _____ per month beginning _____ for _____ months.
- ☐ Pay final payment of _____ by _____.
- ☐ Movant will credit the suspense balance in the amount of (\$_____).

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

Carrington Mortgage Services
PO Box 3730
Anaheim, CA 92806

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the collateral, including sending any required notice to Debtor(s). **This *ex parte* provision shall expire and no longer be effective 24 months from the entry of this order.**

It is further ordered that no provision of this Order prevents timely closing of the case or alters 11 U.S.C. § 362(c), but otherwise this Order represents the agreement of the parties.

AND IT IS SO ORDERED.

**FILED BY THE COURT
03/10/2020**



Entered: 03/10/2020

David R. Duncan
US Bankruptcy Judge
District of South Carolina

WE SO MOVE AND CONSENT:

/s/John B. Kelchner
John B. Kelchner (ID #6987)
John S. Kay (ID #3936)
Ashley Z. Stanley (ID #10329)
Attorneys for Carrington Mortgage Services, LLC
Hutchens Law Firm LLP
P.O. Box 8237 (29202)
240 Stoneridge Drive, Suite 400
Columbia, SC 29210
803-726-2700

/s/Sheri McAllister
Sheri McAllister (ID# 4912)
Attorney for Debtors
1800 N. Oak Street, Suite A
Myrtle Beach, SC 29577
Phone: 843-448-4246

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/Sheri McAllister
Sheri McAllister (ID# 4912)
Attorney for Debtors
1800 N. Oak Street, Suite A
Myrtle Beach, SC 29577
Phone: 843-448-4246